

REMARKS

In response to the above-identified Office Action, Applicant has submitted the Application and seeks reconsideration thereof. In this response, three (3) claims have been amended, no claims have been added and no claims have been cancelled. Accordingly, claims 1-6 are pending.

I. Claims Rejected Under 35 U.S.C. §102

The Examiner has rejected Claim 1 under 35 U.S.C. §102 as being anticipated by Lang, U.S. Patent No. 6,663,455 ("Lang"). Applicant respectfully traverses this rejection.

The Office Action takes the position that the heat weld of the mylar balloon of Lang constitutes a structural member coupled to the flexible material. Applicant submits that the heat weld is not a structural member. Moreover, there is no teaching or suggestion in Lang of the apparatus being substantially neutrally buoyant under ambient conditions. Rather, Lang is silent on the buoyancy or lack thereof of the disclosed balloon. However, helium balloons are generally by design positive bouyant under ambient conditions. At least for the foregoing reasons, Lang does not anticipate claim 1. It is respectfully requested that the rejection be withdrawn.

II. Claims Rejected Under 35 U.S.C. §102(e)

The Office Action rejects Claims 1-5 under 35 U.S.C. §102(e) as being anticipated by Barnes, U.S. Patent No. 6,592,076 ("Barnes"). Applicant has amended Claim 1 to clarify that the apparatus is unpowered and further includes a valve to seal a chamber to maintain the known level [of the gas in the chamber] during use. Applicant submits that even if Barnes did teach a chamber, which when filled with gas to a known level, allowed the overall apparatus to achieve

substantially neutral buoyancy, the nature of an airship requires both lift and negative buoyancy to permit it to ascend and descend. This necessarily requires changes in the level of gas during operation to effect these buoyancy shifts. Moreover, the airship is clearly a powered apparatus.

For the foregoing reasons, it is respectfully requested that the rejection of Claim 1-5 under 35 U.S.C. §102 as anticipated by Barnes be withdrawn.

III. Claims Rejected Under 35 U.S.C. §103(a)

The Examiner has rejected Claims 2-5 under 35 U.S.C. §103(a) as rendered obvious by Lang in view of Barnes. Applicant respectfully traverses this rejection. Applicant respectfully submits that in addition to the failings discussed above in connection with anticipation rejection, the combination of Lang and Barnes is inappropriate. It is difficult to discern how novelty balloons designed to be run through an A4 size printer can properly be combined with an airship designed for motorized human transport.

It is therefore respectfully requested under rejection under 35 U.S.C. §103 be withdrawn.

IV. Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that Claim 6 contains allowable subject matter. Claim 6 has been amended to place it in independent form.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that

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additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2004


W. Kevin Ransom

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